

United States District Court  
Eastern District of California

Michael Dean Garvey,

Plaintiff,

vs.

United States Department,  
of Justice, Office of  
International Affairs,

Defendant.

No. Civ. S 03-1923 LKK PAN P

Order Directing Service by the  
United States Marshal Without  
Prepayment of Costs

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Plaintiff is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915 in this action under the Freedom of Information Act, 5 U.S.C. § 552(a)(4)(B). Plaintiff was a federal prisoner when he commenced this action. Defendant is the agency allegedly withholding documents sought. Rallis v. Stone, 821 F. Supp. 466 (E.D. Mich. 1993).

April 13, 2005, the court granted leave to proceed in forma pauperis, approved service of process and, because plaintiff was

1 incarcerated the court advised him to submit materials for  
2 service to the court. May 12, 2005, plaintiff notified the court  
3 he no longer is in custody.

4 Good cause appearing, the court hereby orders that:

5 1. The May 18, 2005, order directing the United States  
6 Marshal to seeks waivers of service of process is vacated in  
7 part.

8 2. The clerk of the court shall send plaintiff a copy of  
9 the Local Rules of Court and a "Pro Se Package: A Simple Guide to  
10 Filing a Civil Action" (which includes instructions regarding  
11 service of process). Plaintiff may refer to Rule 4(i)(1) and (2)  
12 for instructions on serving process upon an agency of the United  
13 States. Within 20 days plaintiff shall provide materials for  
14 service of process to the United States Marshal. Plaintiff's  
15 failure to comply with this order shall result in a  
16 recommendation his action be dismissed. See Fed. R. Civ. P.  
17 4(m).

18 3. The United States Marshal shall serve process and a copy  
19 of this order upon defendant United States Department of Justice,  
20 Office of International Affairs pursuant to Rule 4 of the Federal  
21 Rules of Civil Procedure without payment of fees or expenses  
22 therefor. See 28 U.S.C. § 1915(d).

23 Dated: July 19, 2005.

24 /s/ Peter A. Nowinski  
25 PETER A. NOWINSKI  
26 Magistrate Judge